

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,

v.

ALQUIMIDES MERCED

Criminal Action No. 99-198

**MEMORANDUM / ORDER**

May 31, 2006

Defendant Alquimides Merced has sent a letter to chambers (Docket # 35) in which he requests that time he spent in state custody prior to commencement of his federal sentence be credited against his federal sentence. The proper means by which to challenge the execution of one's sentence is to file a petition for *habeas corpus* pursuant to 28 U.S.C. § 2241. *See Coady v. Vaughn*, 251 F.3d 480, 485-86 (3d Cir. 2001); *Redrick v. Williamson*, 2005 WL 1155041 at \*2 (M.D. Pa. May 4, 2005); *Rogers v. United States*, 180 F.3d 349, 357-58 (1st Cir. 1999). Even if I were to construe Merced's letter as a § 2241 petition, which I am not doing, I would lack jurisdiction to grant relief because Merced is not in custody within this district. *See Rumsfeld v. Padilla*, 542 U.S. 426, 442-47 (2004). Merced's letter also does not state whether and how he has exhausted his administrative remedies.

It is therefore ORDERED that Merced's letter request (Docket # 35) for sentencing credit is DENIED without prejudice to Merced's ability to file an appropriate

petition for relief in the appropriate jurisdiction.

BY THE COURT:

/s/ Louis H. Pollak

---

Pollak, J.